



## City of Milpitas

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# City of Milpitas



## PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT

## R4 ZONING DISTRICT (MULTI-FAMILY HIGH DENSITY)

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### WHAT IS A R4 ZONE?

The R4 District is intended to stabilize and protect the residential characteristics of the district and promote a suitable environment for family life. The district is also intended to provide for higher-density residential “villages” structured around transit stations, streets, creek side open spaces, trails and parks.

### HOW CAN I FIND OUT THE ZONING REQUIREMENTS FOR MY PROPERTY?

You may contact the City of Milpitas Planning Department.

Please supply the following information:

- Street Address
- Assessor's Parcel Number (APN number (if available)

### WHAT ARE THE PERMITTED USES IN THE R4 ZONE?

The following uses are permitted in a R-4 zone:

- Multiple dwellings
- Planned Unit Developments
- Second family units in conjunction with existing legal single-family dwellings

### WHAT ACCESSORY USES ARE PERMITTED IN THE R4 DISTRICT?

- Home occupations and professional offices
- Family day care home, foster home or group home serving six or fewer mentally disordered or otherwise handicapped persons or dependent or neglected children providing care on a 24-hour basis
- Other accessory uses and accessory buildings customarily appurtenant to a permitted use
- Small family day care home

### WHAT CONDITIONAL USES ARE PERMITTED IN THE R4 DISTRICT?

- Boarding houses for three or more persons
- Group dwellings

- Child care center
- Live-work units; allowed commercial uses to be specified through the use permit process
- Park, playground or community center operated by a governmental agency or a non-profit community organization
- Public service structures, not including corporation yards, storage or repair yards and warehouses
- Temporary tract offices and tract signs
- Condominium conversions

### WHAT ARE THE HEIGHT REQUIREMENTS IN THE R4 DISTRICT?

- Four stories or sixty feet in height, including special architectural elements such as towers and spires
- Five stories or seventy-five feet for residential in TOD overlay areas
- Maximum FAR for ground floor non-residential uses developed in conjunction with very high density residential is .5

### WHAT ARE THE RESIDENTIAL DENSITY REQUIREMENTS IN THE R4 DISTRICT?

- Minimum of 31 dwelling units per gross acre (41 dwelling units per gross acre in TOD overlay areas)
- Maximum of 40 dwelling units per gross acre (60 dwelling units per gross acre in TOD overlay areas)

### WHAT ARE THE FRONT YARD AND STREET SIDE YARD REQUIREMENTS IN THE R4 DISTRICT?

- Minimum building setback of eight feet from back of sidewalk (existing sidewalk or assumed 10-foot sidewalk, whichever is greater)
- Maximum building setback of 15 feet from back of sidewalk (existing sidewalk or assumed 10-foot sidewalk, whichever is greater)
- Where a public easement prevents a building from being located at is required minimum or maximum setback lines, the building shall be located as close to the back of the easement as possible

- Porches, stairs and balconies may be located in the front and street side setback areas provided they are incorporated into an integrated landscape concept where the majority of the setback areas are reserved for landscaping
- Stair and porches may project up to 6 feet into the minimum setback
- Required front and street side setback area shall be landscaped

## WHAT ARE THE INTERIOR SIDE AND REAR YARD REQUIREMENTS IN THE R4 DISTRICT?

- Interior side – 10 feet
- Rear – 10 feet
- Balconies, bay windows and awnings may project up to 6 feet into the interior side or rear setback areas
- Interior side and rear setback areas shall be landscaped but may also be occupied by accessory buildings and drive aisles

## WHAT ARE THE OFF-STREET PARKING REGULATIONS IN THE R4 DISTRICT?

- Studio – One covered space per unit
- One bedroom – One and one-half covered spaces per unit
- Two or more bedrooms – Two covered spaces per unit
- Guest parking - 15% of spaces required (may be covered or uncovered)
- Bicycle parking – 5% of parking stalls
- Parking is prohibited in the front and street side setback areas
- Parking space dimension
- Standard parking space dimension – 9-feet wide and 18-feet long

- Compact parking space dimension – 7.5 feet wide and 15-feet long (must be marked as compact)
- Tandem parking spaces must be a maximum of 2 parking spaces deep
- If two spaces are required, two tandem paces shall be allowed for each unit
- All tandem spaces shall be assigned and marked for residents only
- Carports shall be no more than 8 parking stalls wide and shall be separated from one another by a 4-foot wide (interior dimension) landscape island planted with a tree
- A maximum of 40% of parking may be compact parking spaces
- No compact spaces are allowed for guest parking

## WHAT ARE THE LANDSCAPE AND OPEN SPACE REQUIREMENTS IN THE R4 DISTRICT?

- Midtown Plan Area – 3.5 acres per 1000 person (two acres as public park and up to 1 ½ acres of private recreational facilities).
- The remaining park land dedication requirement must be satisfied by either dedication of land to the City for public parks and open space, or payment of an in lieu fee
- Rest of the City – 5 acres per 1000 person (three acres as public park and 2 acres of private recreational facilities)
- In-lieu fees for recreational open space requirements are based on the fair market value of an acre of land in Milpitas for land that would otherwise have been required to be dedicated.
- Minimum 25% of the total site shall be usable open space or recreational facilities
- Balconies and porches located above ground level with a; minimum dimension of 4 ½ feet constructed for use by dwelling units shall be exempt from the 25% minimum usable open space requirement and may be considered to satisfy usable open space requirements.

- Each dwelling unit shall be provided with private open space as follows:
  - Balconies and porches (above ground level) a minimum of 60 square feet; or
  - Patios (at ground level), a minimum of 100 square feet

## WHAT ARE THE UTILITIES REQUIREMENTS FOR THE R4 DISTRICT?

- Utilities shall be placed in underground or subsurface conduits
- All mechanical equipment, ground transformers and meters shall be located and screened to minimize visual impacts
- Rooftop mechanical equipment shall be concealed from street level views through roof design that is architecturally integrated with the building, such as equipment wells and parapets
- Public utility distribution meters, vaults and similar installations shall be consolidated in a single area whenever possible and located away from highly visible areas such as street corners and public open spaces
- Backflow preventor shall be located within the landscaped setback areas and painted black or dark green to minimize visual impact.
- Where no landscaped setback areas exist the backflow preventors shall be incorporated into the front of the building to minimize visual obtrusiveness
- Refuse and recycling containers shall not be visible from a public or private street and shall be stored either within the parking facility of the building or within a vehicular access way with screening that incorporates the building materials and colors that match the architecture of the building and is well landscaped
- Trash enclosures walls shall incorporate building materials and colors that match the architecture of the building and be well landscaped
- All telecommunication antennas shall be building façade or roof mounted and screened appropriately
- On Main Street only telecommunication facilities disguised to appear as part of the building architectures (i.e. ”stealth antennas”) may be used

## CONFORMANCE WITH THE MIDTOWN SPECIFIC PLAN:

The Midtown Specific Plan policies as well as the Design Guidelines and Standards set forth in Chapter 8 of the Plan, shall apply to all properties within the Midtown areas if any one or more of the following occurs:

- Whenever a new building is constructed regardless of size; or
- Whenever the use of an existing building is expanded or changed to a use requiring 50% or more off-street parking spaces, as determined by the City’s adopted parking standards; or
- Whenever an existing building is increased in gross floor area by 10% of the existing gross floor area or is enlarged by 500 or more square feet, whichever is less
- If exterior building or site improvements (including signage) are proposed that do not fall under the three above requirements such improvements shall be designed to conform to the Midtown policies, guidelines and standards applicable to the improvements, without requiring additional Midtown-related improvements to be imposed

## AFFORDABLE HOUSING:

- Affordable housing units should be provided in all new housing projects
- While 20% is the minimum goal, affordable unit requirements will be determined on a project-by-project basis, taking into consideration the size and location of the project, the type of housing unit, proximity to transit and the mix of affordable units in the vicinity